IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1169 OF 2006

Mr.Nilesh Baban Awale. ... Applicant.

vs.

The State of Maharashtra. ...Respondent

Mr.R.V.More, for Applicant.

Ms.M.M.Deshmukh, APP for State.

CORAM: V.M.KANADE,J.

DATED: 31st March,, 2006

P.C.:-

1. Heard the learned Counsel appearing for the applicant and A.P.P. for the State. The applicant is arrested in connection with the offence punishable under Section 302 r/w. 34 of I.P.C in C.R.no50 of 2005 registered with MIDC Kupwad Police Station, Dist. Sangali.. The chargesheet has been filed. It is submitted that there is practically no evidence against the present applicant. Though names of two other accused have been mentioned by the eye witnesses, there is no name mentioned of the applicant by the eye witnesses It is admitted position that none of the witnesses have stated the name of the present

applicant. Thereafter, no identification parade was held to establish the identity of third unknown person. There is also no recovery at the instance of the present applicant. Considering these circumstances, in my view, the applicant is required to be released on bail.

2. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

3. The applicant shall not enter the jurisdiction of the MIDC Kupwad Police station till the disposal of the Trial. The applicant shall report to Wishram Baug Police Station Out post Madhav Nagar once in a month.

4. The applicant shall not threaten the witnesses. If any complaint is received by the Investigating Officer, liberty is granted to the Public Prosecutor to apply for cancellation of bail.

The application is disposed of.

(V.M.Kanade, J.)